

MADRAS ACT No. V OF 1865.¹

[THE MADRAS DISTRICT POLICE (AMENDMENT) ACT, 1865.]

[7th April 1865 ; 28th April 1865.]

An Act to amend Act XXIV of 1859.

Preamble.

WHEREAS it is expedient to amend Act XXIV of 1859 by giving power to any Magistrate in any case in which he shall impose a fine under that Act, and, where such fine shall not be forthwith paid, to apprehend and to detain, or to take security for the appearance of, any offender so fined and not forthwith paying his fine, until a return can be made to the Magistrate's warrant of distress ; and whereas it is also expedient to lay down ² [* * * * *] the course of procedure to be followed when no sufficient distress can be had ; It is hereby enacted :—

Levy of forfeitures or penalties in case of non-payment.

1. All forfeitures or penalties imposed under the authority of Act XXIV of 1859, for offences punishable by a magistrate, may, in case of non-payment thereof, be levied by distress and sale of the property of the offender within the limits of jurisdiction of the magistrate of the district, by warrant under the hand of the magistrate who made the order.

Offender may be detained or compelled to give security, if fine, etc., be not forthwith paid.

2. In case any fine, forfeiture or penalty shall not be forthwith paid, the magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to the warrant of distress, unless the offender shall give security to the satisfaction of the magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

When offender may be imprisoned.

3. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the magistrate, by the confession of the offender or otherwise, that he has not sufficient property whereupon such fine or sum of money could be levied if a warrant of distress were issued, the magistrate may, by warrant

¹ Short title, "The Madras District Police (Amendment) Act, 1865" was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

The Act has been extended, by notification under section 5 of the Scheduled Districts Act, 1874 (Central Act XIV of 1874), to the taluks of Bhadrachalam and Rakapilli in the Godavari district—see *Fort St. George Gazette*, 1879, Pt. I, p. 722, and *Gazette of India*, *ibid*, p. 630.

The Act is in force in the Nugur taluk of the East Godavari district in virtue of section 2 (1) of Regulation I of 1909.

² The words "with respect to offenders who are and who are not British subjects respectively," were omitted by the Adaptation (Amendment) Order of 1950.

under his hand, commit the offender, '[* * * * *
* * * * *] to prison, there to be imprisoned,
according to the discretion of the Magistrate, for any term
not exceeding two calendar months when the amount of fine
shall not exceed fifty rupees, and for any term not exceeding
four calendar months when the amount shall not exceed one
hundred rupees, and for any term not exceeding six calendar
months in any other case ; the commitment to be determinable
in each of the cases aforesaid on payment of the amount.

² [4. * * * * *].

5. This Act shall be read with, and be taken to, be part of Construction.
Act XXIV of 1859.

MADRAS ACT No. VI OF 1865.³

[THE MADRAS OFFICIAL SEALS ACT, 1865.]

[29th July, 1865 ; 19th August, 1865.]

An Act to enable the Governor in Council to direct
and prescribe] what official seals Collectors,
Magistrates and other Public Officers shall have
and use.

WHEREAS it is expedient that provision should be made for Preamble.
enabling the Governor in Council, from time to time, to direct
and prescribe what official seals shall be used by Collectors,
Magistrates and other public officers ; It is enacted as
follows :—

1. * * * *⁴ It shall be lawful for the ⁵ [State Govern- Power to
ment], from time to time, to direct and prescribe what official prescribe
seals shall be used by Collectors, Magistrates and other public official
officers, any Regulation or Act to the contrary notwithstanding. seals.

2. [Repeal of Regulation II of 1803, section 10.] Rep.
by the Repealing Act, 1873 (Central Act XII of 1873).

¹ The words "provided he is not a European British subject" were
omitted by the Adaptation (Amendment) Order of 1950.

² Section 4 was omitted by *ibid*.

³ Short title, "The Madras Official Seals Act, 1865" was given by the
Repealing and Amending Act, 1901 (Central Act XI of 1901).

The Act was extended, by notification under s. 5 of the Scheduled Districts
Act, 1874 (XIV of 1874), to the taluks of Bhadrachalam and Rakapilli in the
Godavari district—see *Fort St. George Gazette*, 1879, Pt. I, p. 722, and *Gazette
of India, ibid*, p. 630. It has been declared in force in the Rampa Country—
see *Gazette of India*, 1879, Pt. I, p. 630.

The Act is in force in the Nugur taluk of the East Godavari district in
virtue of section 2 (1) of Regulation I of 1909.

⁴ Certain formal words have been repealed by Central Act XII of 1873.

⁵ The words "Provincial Government" were substituted for the words
"Governor in Council" by the Adaptation Order of 1937 and the word
"State" was substituted for "Provincial" by the Adaptation Order of
1950.